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the interpretation of the French revolution is the central theme. It is only by supplementing rational logic, which generally has been falsely regarded as voluntary and rational, with an appreciation of the rôle played by affective, collective and mystic logic that an explanation can be had of the force of "beliefs which no reason could justify." The events of the French revolution illustrate the effects of certain types of mind and of powerful leaders upon group conduct. Prejudice, fear, hate and timidity are most potent factors. Jacobin religion, the mystic mind and irrational beliefs, rather than economic and social forces, determined the trend of events and constituted the real basis of the reign of terror.

To those who have a profound regard for the process of social causation, this book will seem as one-sided in its interpretation as a thoroughgoing determinism does to the author. That he has rendered a valuable service in emphasizing the psychological element, none will deny; but he has given scant consideration to the social and economic causes underlying the production of the types of mind so powerful in shaping the events of the revolution. Considered as one aspect of interpretation without which no adequate explanation can be had, the book is extremely valuable. It will arrest attention, and provoke discussion. No student of the French revolution can afford to neglect it.

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MOORE, BLAINE F. *The Supreme Court and Unconstitutional Legislation.* Pp. 158. Price, \$1. New York: Longmans, Green and Company, 1913.

It is the view of Dr. Moore that criticism of the courts has reached an acute stage. Through the power to declare laws unconstitutional they have negated reformatory measures of both legislative and executive branches of state and national governments. Men alive to the social and economic needs of the time therefore demand a limitation upon this assumed power. The author attempts a systematic study of just what the United States Supreme Court has accomplished by the exercise of judicial control, limiting himself, however, to court decisions as his source material.

The introductory chapter describes the various cases in state courts from the beginning of the revolution to the year 1803 which afforded precedents to the United States Supreme Court when in *Marbury vs. Madison* it definitely asserted and exercised the power to declare laws of Congress null and void. When the convention of 1787 finished its labors there had been but two cases in which state courts avowedly exercised this power in reference to their coördinate legislative bodies, but by the year 1803 the doctrine had been asserted more or less definitely in about fifteen cases in eight, possibly nine, of the original thirteen states. The judges were not so much influenced by actual decisions in other states as by the quickly formed consensus of opinion among them that judicial review was the inevitable consequence of the adoption of written constitutions. Yet there were eminent jurists among them who refused assent to the doctrine, and there was hot opposition outside the court room.

In the second chapter the attitude of the Supreme Court to judicial review is considered. It is shown that several of the Supreme Court justices when upon circuit duty not only asserted but exercised the power to declare both state and federal laws unconstitutional before the year 1803. Indeed there was one unreported case, soon forgotten, *United States vs. Todd*, decided in 1792, in which the Supreme Court itself exercised this power. The question really was settled by the action of the court in 1803 and by the acquiescence, however reluctant, of the other departments in subsequent years. Dr. Moore would have depicted the uncertainty of the situation before 1803 more clearly if he had quoted the statements of Justice Chase, extreme Federalist though he was, made in 1796, 1798 and again in 1800, to the effect that it was an undecided question where the power lay to declare laws unconstitutional, yet in the last named year Chase expressed his willingness to yield to the general sentiment.

Dr. Moore makes too much, it may be thought, of the mere presence or absence of expressions of regret when the court throws out legislation, either state or national. Nevertheless, taking these expressions in the large, it is evident that in the early years the court was awed by the independence and dignity of the sovereign states, and was bolder in its treatment of Congress than of the legislatures. Yet the time came when the state law-makers were lectured as if they were incorrigible children.

In the third chapter the author classifies and analyzes the thirty-three decisions of the court by which laws of Congress have been declared void. The court in one class of decisions has endeavored to maintain the balance of power between the three branches of the federal government, yet not vetoing the modern tendency to give administrative bureaus quasi-judicial authority. The court in another class has resolutely stood against federal encroachment upon state power, but at the same time it has vastly increased its own power by its interpretation of the fourteenth amendment, and it has hampered Congress in the attempted solution of social and economic problems. In a third class of decisions the court has aimed to protect private rights from encroachment by the public. Here the author thinks that the court has not subjected itself to criticism except in the *Adair* case where a law in the interest of organized labor was thrown out. When the court has attempted to solve fundamental political and social problems, as it has done in a fourth class of cases, it has failed in every important attempt. It must fail when it bases its decisions on the individualistic theories of the dead past and not upon the aroused conscience of the living present. Dr. Moore is doubtful of any solution of the problem of judicial control unless the Supreme Court itself voluntarily becomes liberal and tolerant enough to allow the national and state legislatures sufficient discretion to properly deal with the questions of our time.

The above conclusion, however, is based really more upon the control of the federal Supreme Court over state legislation than upon its control over national. The work of Dr. Moore is therefore incomplete in that he has not given us in another chapter a similar analytic treatment of the more important cases among the two hundred and forty-six in which state constitutions,

statutes and ordinances have been declared unconstitutional. Yet he has in a measure atoned for this omission by the carefully prepared tables which appear in the appendix.

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PARMELEE, M. *The Science of Human Behavior*. Pp. xvii, 443. Price \$2. New York: The Macmillan Company, 1913.

That sociological science in its development follows the same course as that in other sciences is again strikingly exemplified in the results of inductive research presented in this volume. The method employed is scientific and will meet with little criticism. Whether or not the author has interpreted rightly and synthesized correctly the positive results of modern biological and psychological knowledge remains for specialists in these fields to determine. It is always a hazardous undertaking to attempt to cover such a wide field of knowledge. Even if minute errors should be found, it will scarcely, we believe, diminish the value of the work.

He has traced with painstaking care the evolution of behavior in living organisms through tropisms, reflex actions, instincts and intelligence up to self-consciousness and collective behavior in man. Terms are defined with unusual clearness and though they may not be finally accepted by all, there is no uncertainty in the ideas presented. Perhaps the best example of this perspicuity is found in his discussion of the confused subject of instincts. Some will no doubt be dissatisfied with his definition: "An instinct is an inherited combination of reflexes which have been integrated by the central nervous system so as to cause an external activity of the organism which usually characterizes a whole species and is usually adaptive," but it has the merit, at least, of being perfectly definite and certainly will prove valuable in further study and discussion.

Again in his treatment of the causes of collective behavior, which is the real pursuit of the work, he has shown conclusively that function cannot be separated from structure in any adequate treatment and that no single socializing factor can be found sufficient to account for the social process. Collective behavior is not a distinct and separate type but is functionally and organically a part of a process which has its roots in the structure of the associating individuals and is conditioned by the environment. This idea, of course is as old as Spencer, but the author has given a new version of the unity of the whole process and given it a clearness not always perceived.

For those who have regarded sociology as an emotional or rhetorical subject we most heartily commend the reading of this volume. It will clear the atmosphere. Those who have read it will look forward eagerly for the appearance of the remainder of the series in which the author proposes "to deal with the evolution of human culture and of human nature on the basis furnished by this book."

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